

REMARKS

This Amendment is fully responsive to the non-final Office Action dated July 30, 2007 issued in connection with the above-identified application. Claims 1-21 are pending in the present application. With this Amendment, claims 1, 2, 8, 9, 13 and 16-21 have been amended. No new matter has been introduced by this Amendment; thus, favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the application, the Applicants have provided a substitute specification and replacement abstract. The changes to the specification and abstract include minor editorial and clarifying changes. In addition to the substitute specification and replacement abstract, a "marked-up" copy of the original specification and abstract are also enclosed.

The Office Action rejects claims 1-21 under 35 U.S.C. §102(e) as being anticipated by Majima et al. (U.S. Patent No. 6,979,769, hereafter "Majima").

The Applicants have amended independent claims 1, 8, 16-18, 20 and 21 to further distinguish the present invention over the cited prior art.

For example, as amended, independent claim 1 recites the following:

"A content-transmitting apparatus operable to transmit a content to a content-receiving apparatus via a network, the content-transmitting apparatus comprising:

a non-volatile recording medium configured to store data related to the content, ID information related to the content, information indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content; and

a transmitting side control unit operable to transmit the data related to the content, the ID information related to the content, and the reproduction control information related to the content to the content-receiving apparatus,

wherein the reproduction control information includes reproduction control information related to a content that has been previously transmitted to the content-receiving apparatus before the transmission of the reproduction control information, said transmitting side control unit is operable to omit transmission of the content that has been transmitted to the content-receiving apparatus before the transmission of the reproduction control information, and said transmitting side control unit is operable to transmit the reproduction control information related to the

content that has been previously transmitted to the content-receiving apparatus.”

The Applicants maintain that the cited prior art fails to disclose or suggest a content-transmitting and receiving apparatus that includes the “non-volatile recording medium” recited in claim 1. That is, the cited prior art fails to disclose or suggest a non-volatile recording medium configured to store data related to the content, ID information related to the content, information indicating a position of the data stored on the non-volatile recording medium, and reproduction control information related to the content.

The feature noted above of claim 1 is fully supported by the Applicants’ disclosure (see e.g., ¶0112, ¶0129-0133, ¶0159-0163 and Figs 4(a)-4(f)). Additionally, this feature of claim 1 is similarly recited in independent claims 8, 16-18, 20 and 21, as amended. Specifically, independent claims 8, 18 and 21 are directed to a content-receiving apparatus, method and program including a non-volatile recording medium having similar features to the non-volatile recording medium of claim 1. Independent claims 17 and 20 are directed to a content-transmitting method and program including a non-volatile recording medium having similar features to the non-volatile recording medium of claim 1. Finally, claim 16 is directed to a content transmitting/receiving system with both a content-transmitting and a content-receiving apparatus, each including a non-volatile recording medium having similar features to the non-volatile recording medium of claim 1.

The Office Action relied on Majima for disclosing or suggesting all the features recited in independent claims 1, 8, 16-18, 20 and 21. Majima discloses a data reproducing device and method capable of providing synchronization of various kinds of information having different attributes. Specifically, in Majima, the data relates to musical instrument digital interface (MIDI) data, audio data, text data and image data. Additionally, a data sorting section sorts data based on the type of data and the delta time of each type of data. The stored data can then be reproduced and synchronized according to the type of data and delta time.

For example, the sorted audio data is reproduced in an MIDI reproducing section and an audio section, mixed, and outputted as sound. The sorted visual data (e.g., text data and image data) is reproduced in the text reproducing section and the image reproduction section outputted, mixed, and outputted as visual data.

Majima also discloses that when data is repetitively reproduced, data first-received is stored in a memory so that only time information is transmitted subsequently for effecting reproduction. However, although Majima discloses storing data that is to be repetitively reproduced, the references fails to disclose or suggest all the feature of the claimed non-volatile storage medium. That is, a non-volatile recording medium configured to store data related to the content, ID information related to the content, information indicating a position of the data stored on the non-volatile recording medium, and reproduction control information related to the content.

Additionally, in Majima, repetitive reproduction of data is related to repeating the same phrase in first, second, and third choruses of a piece of music within a certain period of time. For example, in Fig. 11(a) of Majima, each slanted block indicates data of the same phrase. Thus, Majima discloses transmitting a number of repetitions of data of the same phrase, and storing the transmitted data in a memory of a receiving device. However, in Majima, data of the same phrase is stored at a certain address of the memory, and the data can be erased after the piece of music has been completely reproduced. Thus, in Majima, it appears that the repetition of data is limited to a certain period of time, and after that period of time duplication of data cannot be avoided. Conversely, in the present invention of claims 1, 8, 16-18, 20 and 21, duplication of data is avoided consistently, even when power to the receiving device is lost.

Accordingly, independent claims 1, 8, 16-18, 20 and 21 (as amended) are patentably distinguished over the cited prior art. Additionally, dependent claims 2-7, 9-15 and 19 are patentably distinguished over the cited prior art based at least on their dependency from independent claims 1, 8 and 17, respectively.


Moreover, dependent claims 3 and 11 are patentably distinguished on their own merit. Dependent claims 3 and 11 are directed respectively to a content-receiving and content-transmitting apparatus "...wherein the reproduction control information includes TV channel information to reproduce the content." The Office action relies specifically on col. 26, lines 1-7 of Majima for disclosing this feature. However, col. 26, lines 1-7 merely discloses that a reproduction apparatus can be mounted on a set-top box. There is no mention of reproduction control information, let alone reproduction control information that includes TV channel

of Majima for disclosing this feature. However, col. 26, lines 1-7 merely discloses that a reproduction apparatus can be mounted on a set-top box. There is no mention of reproduction control information, let alone reproduction control information that includes TV channel information. Accordingly, dependent claims 3 and 11 are distinguishable over Majima on their own merit.

Based on the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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